

REMARKS

Claims 1, 2, 3, 5, 6, 7, 9, and 10 have been canceled. Claims 4 and 8 have been amended to overcome the Examiner's objections in order for them to be allowable. Claims 11 and 12 have been added, and are supported by the specification and drawings.

In view of the amended claims and specification, applicant requests the Examiner to reconsider her arguments of office action dated July 30, 2004, and accept the proposed amendments.

CLAIM REJECTIONS – 35 USC § 112

The Examiner has considered that Claims 1-3, 5, 7, 9 and 10 have been anticipated by Osborne. Since applicant has canceled these claims, these rejections are no longer pertinent.

The Examiner has rejected Claim 6 as being unpatentable over Osborn. This claim has also been canceled by applicant, and thus the rejection is no longer pertinent.

For clarity purposes, applicant explains herein under the main differences between the invention subject of this application and Osborn (4,083,245):

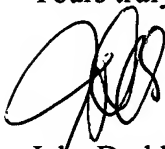
- Osborne uses a fixed circular flap that has a diamond-shaped orifice and a mobile flap joined to one of the borders of the orifice. The shape of the mobile flap coincides with the shape of the orifice. A major difference between applicant's invention and Osborn's is that the shape of the duct is not important for Osborn, because Osborn's sensor's characteristic of linearity is determined by the silhouette and thickness of the mobile flap, while applicant's invention has an elbow-shaped duct, and this shape is crucial for applicant's invention.
- Osborne does not utilize an elbow-shaped duct. Osborne uses a duct of circular transversal section with an expansion and a contraction. The invention subject of this application uses an elbow-shaped duct of rectangular section.

- Applicant's invention has an elbow-shaped duct that changes the direction of the flow and increases the energy losses during passing of a high level flow. This permits to extend the measurement range in high levels.
- Applicant's invention has an elbow-shaped duct whose rectangular transversal section allows the flexible plate to be freely bent when the flow is increased.
- Before a same flow, and with respect to the bending of Osborn's mobile flap and applicant's flexible plate, Osborne's flap needs greater bending than applicant's flexible plate in order to achieve an opening of the duct that is of the same area of an aperture of applicant's duct. Thus, in order to obtain an opening of the duct of the same area, Osborn's flaps need greater bending than applicant's flexible plate. In Osborne, the greater bending produces the following in the Osborn mobile flap:
 - Greater changes in the properties of the material (fatigue) which causes the sensor to lose precision (in Spanish "*descalibrar*") in a shorter period of time of use.
 - Greater vibration, in particular, when the mobile diamond-shaped flap is in the upper limit of the useful measurement range, which produces disturbances during measurement.

CONCLUSION

By virtue of the amendments to the claims and the arguments presented above, applicant believes that this patent application is to be deemed patentable over the prior art. In addition, the specification has been corrected as requested by the Examiner. Thus, applicant respectfully requests that the Examiner reconsider her decision, and withdraws her rejections, allowing this patent application to pass to issue.

Yours truly,

A handwritten signature in black ink, appearing to be 'JD' or similar initials, written over a horizontal line.

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